



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,009	12/27/2000	Paul Giotto	FREI.P-049	6616
21121	7590	06/01/2005	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			DUONG, THOMAS	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,009

Applicant(s)

GIOTTA, PAUL

Examiner

Thomas Duong

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received December 22, 2004 has been entered into record. *Claims 1-21* remain pending.

Response to Amendment

3. This office action is in response to the applicants Amendment filed on December 22, 2004. Applicant amended *claims 1-16, and 18-20*, and added *claim 21*. *Claims 1-21* are presented for further consideration and examination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2145

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camp et al. (US006802067B1) and in view of Codella et al. (US006804818B1).

6. With regard to claims 1, 7, 13, 17 and 20-21, Camp discloses,

- *the message system being configured to receive messages from message producing clients and to forward messages to message consuming clients;*

(Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23)

Camp discloses a 'message logging framework' that "may be deployed at any architectural level requiring message logging capabilities within an enterprise wide computing system" (Camp, col.5, lines 13-15), and more specifically, "on an application server, which may be any of a number of commercially available computer servers appropriate for accessing backend systems (e.g., databases, mainframes, customer premises equipment, and the like) to serve the needs of a client or group of clients (e.g., a user station, another server, etc.)" (Camp, col.5, lines 17-22). Hence, the Camp invention is capable of providing messages logging capabilities (e.g., messages exchange servers, bulletin boards, etc.) to serve the needs of a group of clients.

- *the message system comprising a server cluster containing a group of client manger nodes;* (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23)

Camp discloses a 'message logging framework' that includes "a client or group of clients (e.g., a user station, another server, etc.)" (Camp, col.5, lines 21-22).

Hence, Camp implies of a system where a group of clients may get access to the 'message logging framework' through an Internet service provider's servers (i.e.

client manager nodes), which provide connection management and access for the clients.

- *each client manager node of said group of client manager nodes comprising means for connecting to clients, means for managing client connections, and means for forwarding messages received from message producing clients to message manager nodes, and means for forwarding messages received from message manager nodes to message consuming clients; (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23)*

Camp discloses a 'message logging framework' that includes "a client or group of clients (e.g., a user station, another server, etc.)" (Camp, col.5, lines 21-22).

Hence, Camp implies of a system where a group of clients may get access to the 'message logging framework' through an Internet service provider's servers (i.e. client manager nodes), which provide connection management and access for the clients.

- *the server cluster further containing a group of message manager nodes being configured differently from the client manager nodes, (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23)*

Camp discloses a 'message logging framework' that "is deployed on an application server" (Camp, col.5, line 17), which contains the "log manager class [that] provides access to the underlying destination logs by their logical names, which further promotes the efficient logging of messages" (Camp, col.5, lines 1-5).

- *each message manager node comprising means for storing and distributing messages, said messages comprising a destination information addressing a*

destination, (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16)

Camp discloses a “group log class [which] provides a means to multicast messages to a plurality of logs, that is to write a message to multiple destinations. In other words, group log class abstracts the underlying destination logs, ... [and it further] extends log collection class, which is an abstract class containing useful information and methods for creating and maintaining collection of logs (for example, methods to store and retrieve individual destination logs” (Camp, col.5, lines 1-5). Hence, Camp implies of a ‘message logging framework’ that provides messages logging between the log manager and the client manager via multicasting.

- *the system further comprising communication channel means for providing a multicast communication channel for forwarding messages between said at least one client manager node and said at least one message manager node. (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16)*
Camp discloses a “group log class [which] provides a means to multicast messages to a plurality of logs, that is to write a message to multiple destinations. In other words, group log class abstracts the underlying destination logs, ... [and it further] extends log collection class, which is an abstract class containing useful information and methods for creating and maintaining collection of logs (for example, methods to store and retrieve individual destination logs” (Camp, col.5, lines 1-5). Hence, Camp implies of a ‘message logging framework’ that provides messages logging between the log manager and the client manager via multicasting.

However, Camp does not explicitly disclose,

- *said messages comprising a destination information addressing a destination, said destination being at least one of a queue and a topic;*

Codella teaches,

- *said messages comprising a destination information addressing a destination, said destination being at least one of a queue and a topic; (Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)*

Codella teaches that “*in JMS, a destination corresponds to a JMS destination, which in turn can be either a queue or a topic (for point-to-point and publish/subscribe, respectively)*” (Codella, col.15, lines 61-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Codella with the teachings of Camp to provide a ‘message logging framework’ capable of utilizing the JMS’s destinations, which can be either a queue or a topic to provide a message logging system using multicasting between the client manager and the message manager.

7. With regard to claims 2-3, 8-10, 14-16, and 18-19, Camp and Codella disclose,

- *a plurality of message manager nodes in said group of message manager nodes,*
- *said message manager nodes being configured to comprise destinations, said destinations being at least one of a queue and a topic.*
- *said system further comprising a plurality of client manager nodes.*
- *each client manager node comprising computer program code means for sending message data across said multicast communication channel,*

Art Unit: 2145

- *said message data containing a destination information and not containing an individual address of a message manager node,*
 - *each message manager node comprising computer program code means for receiving message data comprising destination information matching a destination of the message manager, and for maintaining said destination, said destination being at least one of a queue and a topic. (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16; Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)*
8. With regard to claims 4-6, Camp and Codella disclose,
- *where the number of the client manager nodes of said group of client manager nodes is independent from the number of the message manager nodes of said group of message managers. (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16; Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)*
 - *in which not all possible pairs of nodes in the server cluster are required to exchange data directly. (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16; Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)*
 - *in which a reliable multicast communications protocol is used for inter-node data transfer, in which a plurality of message manager nodes is provided, wherein at least two message manager nodes ate configured to contain identical destinations to maintain one or more identical, redundant copies of stored data received in the same multicast transmission from a client manager as the original*

copy of stored data. (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16; Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)

9. With regard to claims 11-12, Camp and Codella disclose,

- *wherein, if the message size exceeds a maximum message size value, said message to be transmitted between said message client and said message manager is fragmented by the message manager or by the message client and sent as a separate command. (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16; Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)*
- *wherein at least two multicast communication channels are present, and wherein either every client manager node is connected to all of said multicast communication channels and every message manager node is connected to only one of said multicast communication channels or every message manager node is connected to all of said multicast communication channels and every client manager node is connected to only one of said multicast communication channels. (Camp, col.1, line 37 – col.2, line 19; col.4, line 44 – col.5, line 23; col.13, lines 6-16; Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)*

Response to Arguments

10. Applicant's arguments with respect to *claims 1-21* have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2145

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Thomas Duong (AU2145)

May 27, 2005


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER